

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

SEP 28 2005

JAMES W. MCCORMACK, CLERK
By: *[Signature]* PLAINTIFF DEP. CLERK

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

CLAUDIUS DON JOHNSON

VS.

NO. 4 - 05 - CV - 1338 JLH

CITIBANK USA/SEARS

DEFENDANT

COMPLAINT

This case assigned to District Judge *[Signature]*
and to Magistrate Judge *[Signature]*

Comes the Plaintiff, Claudius Don Johnson, by and through their attorneys, James & Carter, PLC, and for their complaint and cause of action against the Defendant, Citibank USA/Sears, hereby alleges and states that:

JURISDICTION

1. The jurisdiction of this Court attains pursuant to the FCRA, 15 U.S.C. § 1681(p) and the doctrine of pendant jurisdiction. Venue lies in the Eastern District of Arkansas, as Plaintiff's claims arose from acts of the Defendant perpetrated therein.

PRELIMINARY STATEMENT

2. Plaintiff brings this action for damages based upon Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq. ("FCRA"), and of state law obligations brought as supplemental claims.

3. Plaintiff is a natural person and is a resident and citizen of Pulaski County, the State of Arkansas, and of the United States. Plaintiff is "consumer" as defined by Sections 1681(a)(c) of the FCRA.

4. Citibank USA/Sears ("Citibank") is a national banking entity doing business in the State of Arkansas.

5. Citibank is a furnisher of information as contemplated by FCRA § 1681S-2(a) and (b) that regularly and in the ordinary course of business furnishes information to one or more consumer reporting agencies about consumer transactions or experiences with any consumer.

6. In 1997, the Plaintiff's wife, Anita Johnson (now former wife) had an account with the Defendant, account number 170783063812. In the same year, Ms. Johnson paid off the account in full and closed the said account. That subsequent to the account being closed, Citibank has continued to claim that the account is a valid debt. Citibank has placed the said account for collection with Northland Group, Inc., Alliance One, Van Ru Credit Corporation, and other debt collection agencies.

7. The Plaintiff has numerous times requested a credit report from various credit reporting agencies. The said Citibank account has continued to appear on his credit report even after the credit agencies identified it as not a valid debt.

8. The Plaintiff has continued to contest the debt with Citibank; nevertheless, the debt continues to appear on his credit report.

9. Various credit agencies have verified that the debt is invalid and have reported the information to Citibank. Nevertheless, Citibank has continued to report the debt as valid.

10. Citibank failed in its duty to reinvestigate the claim by the Plaintiff.

11. As a result of the derogatory information reported by Citibank, Plaintiff abstained from applying for credit, had adverse action taken on existing credit accounts, and was denied credit.

STATEMENT OF CLAIMS AGAINST CITIBANK USA/SEARS

12. Citibank has:

- A. Willfully and/or negligently violated the provisions of the FCRA by willfully and/or negligently failing to comport with FCRA § 1681S-2(b);
- B. Defamed Plaintiff by publishing to third parties information regarding his creditworthiness;
- C. Invaded the privacy of the Plaintiff;
- D. Committed unfair and deceptive acts against Plaintiff in the course of its business, in violation of the Consumer Protection Act, RCW 19.82.020;
- E. Failed its duty to prevent foreseeable injury to the Plaintiff.

13. The Plaintiff requests a trial by jury.

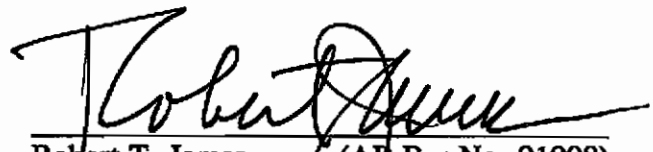
WHEREFORE, Plaintiff prays that he have judgment against the Defendant, Citibank USA/Sears, for the following relief:

- A. Actual damages;
- B. Punitive damages;
- C. Attorneys' fees; and
- D. Costs.

Respectfully submitted,

CLAUDIUS DON JOHNSON, Plaintiff

By:


Robert T. James (AR Bar No. 91008)
James & Carter, PLC
500 Broadway, Suite 400
Post Office Box 907
Little Rock, Arkansas 72203
501/372-1414